

REMARKS

Initially, the Applicant would like to thank the Examiner for the time taken and courtesies extended in the telephonic interview of June 14, 2005, regarding the restriction requirement and election made below. The Applicant has incorporated the substance of the interview herein below, and the election below conforms to the agreement between the Applicant and the Examiner made over the telephone.

The Examiner has requested election between thirteen purportedly distinct species within the present application. The Examiner has identified these species by figure numbers, alleging that the species include:

1. Figure 1
2. Figure 1A
3. Figure 1B
4. Figure 1C
5. Figure 2A
6. Figure 2B
7. Figure 3A
8. Figure 3B
9. Figure 4
10. Figure 5
11. Figure 5A
12. Figure 5B
13. Figure 6

In reviewing the proposed species, Applicant determined that at least two of the identified species, specifically Species 7 and 8, could and should properly be examined together. In furtherance of that determination, Applicant contacted the Examiner to discuss the possibility of electing both identified Species 7 and 8 for examination on the merits. As was explained to the Examiner, Species 7 and 8 comprise essentially the same product, with Figure 3A depicting a wound-healing device having a generally-labeled osmotic cell, and Figure 3B showing a specific type

of osmotic cell, namely an electro-osmotic cell. Inasmuch as Figure 3B simply depicts a more specific embodiment of Figure 3A, Applicant submitted to the Examiner that a search on Figure 3A would encompass a search on Figure 3B, such that a restriction would not be necessary. Based on this explanation, the Examiner agreed to examine both of the figures.

Applicant believes that the two figures may have been determined to be distinct from one another based on the inclusion of a mislabeled element in Figure 3A. Specifically, element 110 in Figure 3A should actually be element 125, namely water injection means, which is identical to the water injection means 125 shown in Figure 3B. To help clarify the application, Applicant includes herein a marked-up version of Figure 3A, replacing element number 110 with 125.

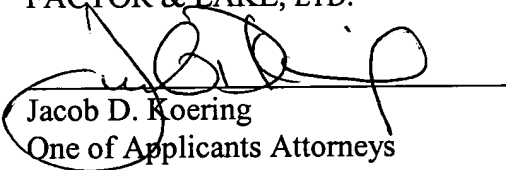
Based on the above, and by agreement with the Examiner, Applicant herein elects both Species 7 and 8 for examination on the merits. Applicant submits that Claims 1-2, 14-23, 26-29, 34-36, and 39-41 read on these two figures.

Should anything further be required, a telephone call to the undersigned at (312) 226-1818 is respectfully solicited.

Respectfully submitted,

FACTOR & LAKE, LTD.

Dated: June 14, 2005


Jacob D. Koering
One of Applicants Attorneys

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Patent Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 14, 2005.

Jacob D. Koering

Name of Applicant, assignee, applicant's attorney or Registered Representative


Signature



BEST AVAILABLE COPY

